



JUDICIAL COUNCIL OF CALIFORNIA

LANGUAGE ACCESS PLAN
IMPLEMENTATION TASK FORCE

Language Access Plan Implementation Task Force (LAPITF)

Open Meeting Materials Index

October 17, 2018, 12:10 p.m. – 1:10 p.m.

1. October 17, 2018 Task Force Meeting Notice and Agenda
2. Draft Minutes from April 24, 2018 Task Force Community Outreach Meeting in Sacramento
3. Language Access Plan Implementation Progress Report (October 4, 2018)
4. Revised Draft of Proposed New Rule 1.300 (Language Access Services Outside the Courtroom), Related Forms and Invitation to Comment



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www.courts.ca.gov/LAP.htm
LAP@jud.ca.gov

Request for ADA
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LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1)) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: October 17, 2018
Time: 12:10 p.m. – 1:10 p.m.
Public Call-in Number: 1-877-820-7831, Passcode: 5656138 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to lap@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve Minutes of Open Meeting from April 24, 2018, Language Access Plan (LAP) Implementation Task Force (ITF) Community Outreach meeting

Meeting Overview and ITF Chairs Update

The ITF Chairs will provide updates regarding LAP implementation and next steps for the ITF.

Presenter(s): Hon. Mariano-Florentino Cuéllar, Chair
Hon. Manuel J. Covarrubias, Vice Chair

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to LAP@jud.ca.gov or mailed or delivered to Language Access Plan Implementation Task Force, c/o Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Douglas Denton. Only written comments received by October 16, 2018, 12:10 p.m. will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND ACTION ITEMS (ITEM 1)

Revised Draft of Proposed Rule of Court, Rule 1.300 (Action Item)

Justice Zelon and Judge Rodriguez will update the Task Force on a revised draft of proposed new Rule 1.300 and related forms. The purpose of the rule is to provide clear guidance on the provision of language assistance in court-ordered programs and services.

The ITF is asked to approve the proposed rule and Invitation to Comment for presentation to the Advisory Committee on Providing Access and Fairness (PAF), and if approved by this body, for presentation to the Rules and Projects Committee (RUPRO). If approved by RUPRO at its December 6, 2018 meeting, the proposal will circulate for public comment, from December 7, 2018 – February 8, 2019.

Presenter(s): Hon. Laurie D. Zelon, Chair, Translation, Signage and Tools for the Courts Subcommittee
Hon. Victor A. Rodriguez, Member, Budget and LAP Monitoring Subcommittee

IV. ADJOURNMENT

Adjourn



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LANGUAGE ACCESS PLAN IMPLEMENTATION TASK FORCE

MINUTES OF COMMUNITY OUTREACH MEETING

April 24, 2018

10:00 a.m. to 1:00 p.m.

Judicial Council's Sacramento Office

2860 Gateway Oaks Drive, Suite 400

Sacramento, California 95833

**Advisory Body
Members Present:**

Hon. Mariano-Florentino Cuéllar, Chair, Hon. Manuel Covarrubias, Vice-Chair, Ms. Naomi Adelson, Ms. Angie Birchfield, Hon. Terence L. Bruiniers, Hon. Jonathan Conklin, Ms. Ana Maria Garcia, Hon. Dennis Hayashi, Ms. Janet Hudec, Ms. Joann Lee, Ms. Ivette Peña, Hon. Rosendo Peña, Mr. Michael M. Roddy, Hon. Victor Rodriguez, Mr. José Varela and Mr. David Yamasaki

**Advisory Body
Members Not
Present:**

Hon. Steve Austin, Mr. Kevin Baker, Ms. Tracy Clark, Hon. Michelle Williams Court, Hon. Janet Gaard, Ms. Susan Marie Gonzalez, Hon. Jonathan Renner, Ms. Jeanine Tucker, Dr. Guadalupe Valdés, and Hon. Brian Walsh, and Hon. Laurie Zelon

Others Present:

Ms. Jaya Badiga, Ms. Irene Balajadia, Mr. Alf Brandt, Ms. Karen Camper, Mr. Matthew Clark, Ms. Lisa Crownover, Ms. Paola De la Cruz, Mr. Douglas Denton, Ms. Tayryn Edwards, Ms. Diana Glick, Mr. Stephen Goldberg, Mr. Willie Guerrero, Mr. Kevin Hefner, Mr. James Kim, Mr. Rob Klotz, Ms. Olivia Lawrence, Ms. Cristina Llop, Ms. Rebecca Montgomery, Ms. Kim Pederson, Ms. Anne Marx, Ms. Cynthia Miranda, Ms. Jenny Phu, Ms. Lorena Pike, Mr. Michael Planet, Ms. Jacquie Ring, Deputy Stephen Roberts, Hon. Jaime Román, Ms. Linda Romero-Soles, Ms. Ofelia Sandoval, Ms. Laura Speed, Ms. Elizabeth Tam-Helmuth, Ms. Amanda Toste, Ms. Laila Waheed, and Ms. Sonia Sierra Wolf.

I. OPEN MEETING (CAL. RULES OF COURTS, RULE 10.75 (C)(1))

Welcome and Introduction

The Chair, Supreme Court Justice Mariano-Florentino Cuéllar, welcomed everyone to the fourth community outreach meeting of the Language Access Plan (LAP) Implementation Task Force (ITF). He shared that the Task Force has been working closely with the California courts and its many stakeholders to help implement the LAP's recommendations and to ensure fair and equal access to the courts for all court users, regardless of what language they may speak. He reported that the Task Force is in its fourth and final year of implementation, has come a long way and made significant progress. As of March 2018, in just three years, 35 of the 75 LAP recommendations have been completed. The Task Force has made great strides in the areas of civil expansion, funding, education, data collection, and technology. The plan is that Language Access will continue as a program for the Judicial Council, and that the remaining LAP recommendations will be assigned to Judicial Council staff and/or other advisory committees.

Justice Cuéllar also reported that Judge Covarrubias would be leading a small working group of Task Force members to focus and organize the remaining recommendations and to work with Judicial Council staff to potentially transfer the work to a new advisory body (TBD).

He reported that this year's outreach meeting was being held in Sacramento County for many reasons: the Task Force's ongoing collaboration and partnership with members of the Legislature; as well as the efforts to use technology in the Video Remote Interpreting (VRI) Pilot Project at the Sacramento Superior Court (and two other courts in the state – Merced and Ventura Superior Courts).

Vice-Chair Hon. Manuel Covarrubias noted that community outreach meetings are a great opportunity for continued learning, to review language access progress made, and to identify challenges that exist. He stated that similar to the Joint Working Group that developed the LAP, the Task Force has been a highly collaborative effort and the community outreach meetings provide an opportunity to gather input, refine strategies, and remedy any language access problems or issues that courts or court users may be experiencing. Judge Covarrubias noted that the panelists for the meeting included judicial officers and Court Executive Officers, court staff, court interpreters, Judicial Council staff, legal services providers, community services, and non-profit organizations. He also stated that in addition to the three panels today, there would be time reserved for public comment.

Judge Covarrubias noted the three panels for the meeting today would cover important language access topics, including: 1) Language Access Expansion: Update on Statewide Progress, to be moderated by Judicial Council staff, Douglas Denton; 2) Community Needs, Public Outreach and Recruitment Strategies, to be moderated by Joann Lee; and 3) VRI Pilot Project and Other Technological Solutions and Accessible Courthouses, to be moderated by Justice Terence Bruiniers.

SESSION ONE – LANGUAGE ACCESS EXPANSION: UPDATE ON STATEWIDE PROGRESS

Moderator: Mr. Douglas Denton

Participants: Ms. Karen Camper, Ms. Ivette Peña and Ms. Linda Romero-Soles

Mr. Douglas Denton (Supervising Analyst, Judicial Council) provided an overview on expansion of language services, noting that interpreters are now provided in civil and probate matters and that the provision of interpreters is no longer the responsibility of court users, but is a function of the court. He noted a number of initiatives that have been completed, including the expansion of the Language Access Toolkit and the report on wayfinding and signage strategies in the California courts. He mentioned the VRI Pilot Project is underway (the pilot has since concluded as of July 31, 2018). Mr. Denton also noted that the Task Force worked with the Civil and Small Claims Advisory Committee to develop proposed legislation to make clear that courts should – subject to available resources – provide court interpreters in small claims actions. If approved by the Legislature and Governor, these proposed amendments would take effect in January 2019 and education on the amendments may be needed.

Mr. Denton shared the Task Force developed a model complaint form and process so limited English proficient (LEP) court users can register a complaint regarding the court's language access services. Also, the Court Interpreters Advisory Panel is currently developing a court interpreter credential review process that is available for public comment, until June 8, 2018. Mr. Denton provided an update on funding request for 2019, through the Budget Change Proposal process, noting that the next request will likely include funding to assist courts with the purchase of VRI equipment, pending the outcome of the VRI Pilot Project.

Ms. Ivette Peña (Chief Deputy, Legal Services/Court Counsel, Superior Court of California, County of Los Angeles; and Task Force Member) noted that the expansion of language services in Los Angeles County Superior Court started with a complaint from the U.S. Department of Justice (DOJ) with regard to a court user not being provided with a Korean interpreter in a non-evidentiary hearing. Los Angeles Court has since reached an agreement with the DOJ. She stated that the Los Angeles Court has 370 employee interpreters and 220 contract interpreters. The interpreters are overwhelmingly in Spanish, but there are also 75 interpreters in languages other-than-Spanish, covering 20 different languages. She also stated that there are 39 courthouses (soon to be 41) in Los Angeles County.

Ms. Peña noted that there remains a need for legislative advocacy because current funding only covers interpreters in court proceedings but does not cover interpreter services outside of the courtroom nor the cost of court interpreter supervisors. She stated that the Los Angeles Court has progressed a lot in its provision of language services, and noted the importance of making forms, websites, signage, etc. understandable and accessible in English. In addition to benefiting all court users, plain language "translation" is also a critical first step before moving to translation efforts.

She highlighted the use of Gina, the online traffic avatar that speaks six languages and helps court users address their traffic tickets. Gina has been very successful for the court and is being replicated by other courts in the state. Ms. Peña also noted the importance of tracking and monitoring metrics. By tracking data, the court has been able to better address the actual need for language services throughout its points of contact with the public. For example, data collected on the need for, and use of, multi-lingual telephonic interpretation services at clerk counters, revealed there is a much larger Mandarin-speaking court population than court-interpreter use alone indicated, and therefore, the court had unknowingly been underserving Mandarin-speaking court users. In order to meet the needs of different individuals interacting with the range of court services, the Los Angeles Court is also looking at how they recruit bilingual individuals.

When asked about the complaint process in Los Angeles, Ms. Peña noted that the court has a basic complaint form on its court website and make it available at all court locations, which is available in the county's top five languages. The form has not resulted in a lot of complaints – noting that the court has received only a handful of written complaints per year. Ms. Peña did

note that complaints can be in different languages and the cost of translation does have to be accounted for.

Ms. Karen Camper (Court Executive Officer, Calaveras County Superior Court) provided an overview of Calaveras County. The county has a population of approximately 45,000 people, 88% of which are Caucasian and 10% of which are Hispanic. Ms. Camper noted that historically the court has had 20-25 interpreter days per year and that all but 2 to 3 requests have been for Spanish. In 2017, the court saw a jump in usage to 43 interpreter requests. These were also mostly for Spanish with a few for Hmong, Mien, and Khmer. For the court to secure interpreters in languages other than Spanish, it can take several hours to a week. The court relies on interpreters driving from Sacramento, Merced, and Fresno Counties. They are generally able to fulfill interpreter requests, although sometimes they get a release from another county and then the interpreter is recalled due to the current cross-assignment process for court interpreters. Ms. Camper noted that the court has never had to reschedule a case due to a failure to provide an interpreter. Lastly, Ms. Camper noted the county is closest to neighboring Amador County, a county that struggles with securing interpreters. Interpreters will often charge mileage and rates that are higher than the state per diem rates. They also often require travel time be paid and charge a full-day rate for a 15-minute hearing.

Ms. Linda Romero-Soles (Court Executive Officer, Merced County Superior Court) provided an overview of Merced County. The county's demographics include 58% of the population that is Hispanic and 11% of the population that is Asian/Pacific Islander. Ms. Romero-Soles stated that the top five languages for which interpreters are needed are Spanish, Hmong, Punjabi, Portuguese, and Lao. The court has five full-time Spanish interpreters and one Hmong staff interpreter. Ms. Romero-Soles noted that 80% of the need for interpreters is for traffic matters. She also stated that the court has a total of five facilities. Merced Court is one of the three pilot courts in the VRI Pilot Project, at their Los Banos Courthouse. All jurors currently come into Merced. To assist with the provision of interpreters, Ms. Romero-Soles stated that the court has to rely on other counties, including Fresno, Stanislaus, and Madera Counties. She also spoke about the county's use of VRI, noting that the VRI system had been used 70 times already and has been a valuable resource for the court and staff interpreters.

During discussion, Ms. Peña noted that Los Angeles Court has expanded its provision of court interpreters to unlimited civil matters and has also created a portal for requesting an interpreter. One of the challenges faced by the Los Angeles Court is that it has not yet confirmed the language required for a party's waiver of the court-provided interpreter in order to respect that party's preference for their own (certified or registered) interpreter. She also noted that the number of interpreters makes providing for interpreters in all civil matters difficult. Civil cases can require that interpreters be on one given case for an entire day, a week, several weeks and it can really impact the courts. Also, Ms. Peña noted that the interpreter request/scheduling portal has been helpful in the smaller case types and that once the court has a new case management system, the court will be able to manage the workforce more effectively and collect data.

Ms. Camper noted that Calaveras Court would like to implement VRI technology, which would help the court to schedule its interpreters more efficiently. At Merced Court, Ms. Romero-Soles

stated that the challenges the court faces have to do with interpreter availability and funding. The court currently has to pay the federal rate and travel time to interpreters.

Ms. Peña stated that it is essential for the judicial branch to see language access as a fundamental access issue and that if a court user cannot understand the proceedings, the court is not providing access. Ms. Camper again mentioned the importance of technology and the use of VRI and reiterated that the technology would be a real solution for her court.

SESSION TWO – COMMUNITY NEEDS, PUBLIC OUTREACH, AND RECRUITMENT STRATEGIES

Moderator: Ms. Joann Lee

Participants: Ms. Jaya Badiga, Mr. Stephen Goldberg, and Mr. Kevin Hefner

Ms. Joann Lee (Special Counsel, Asian and Pacific Islander (API) Community Outreach Unit, Legal Aid Foundation of Los Angeles; and Task Force Member) provided an overview of the panel speakers and opened up the conversation by asking Mr. Kevin Hefner about the California Legislature’s support for language access in the California judicial branch.

Mr. Kevin Hefner (Senior Legislative Aide, Assemblymember David Chiu’s Office) noted that Assemblymember, David Chiu has worked to previously secure funding for language access. He noted the importance of being proactive and involving immigrant communities from the district’s constituency to understand how to best work with these individuals to meet their needs. He stated that different approaches may be needed to make sure that everyone has access to the judicial system, and that efforts must be proactive.

Mr. Hefner further stated that his congressional district represents the Eastern part of San Francisco, which includes Chinatown and the Mission. Approximately 12.5% of the community is underrepresented (hard to count) and, therefore, it is essential to rely on input from individuals in the district to help shape policy. He explained that some communities don’t have the resources required to go online, and it is important to work with community organizations to provide adequate communication to constituents about language access services. With regard to any existing concerns, Mr. Hefner noted that the next Census process will emphasize applications online and the number of enumerators going door to door to communities will be significantly reduced. This will lead to continued undercounting of populations without, or distrusting of, online access and may limit the resources afforded to them.

Mr. Stephen Goldberg (Regional Counsel, Legal Services of Northern California) explained that the Legal Services of Northern California (LSNC) is a federally funded nonprofit legal aid organization that serves a number of Northern California counties. Core programs include providing legal assistance for housing, healthcare, and civil rights issues. LSNC serves low-income persons as well as seniors, who are served without income limitations. Mr. Goldberg shared a handout that indicates Spanish is the largest non-English language group served by LSNC, followed by various Asian languages. Mr. Goldberg noted that the numbers understate the number of LEP persons that LSNC assists because, while at intake an individual may self-

identify as an English speaker, however, it later becomes clear that there is a need for an interpreter. With regard to the changes in LEP populations served, Mr. Goldberg stated that there has not really been growth, but rather, there are trends over the years, including an initial increase in Russian speakers that later decreased. Also, there is an increase in Asian language groups needing services. Mr. Goldberg stated that sometimes a particular language group will find LSNC and then that language group will grow in terms of services requested and provided. As a result of changes in immigration trends, LSNC works to increase outreach efforts to those populations. With regard to using data to assist with identifying language needs, the LSNC uses LEP.gov and the Census data.

Mr. Goldberg shared that overall language access expansion efforts have been positive. Issues that had been experienced in the past have mostly been resolved now. Mr. Goldberg did note that there still can be some issues with obtaining interpreters in languages other than Spanish. He noted that several courts in the Northern California counties now have signage.

Ms. Jaya Badiga (Managing Attorney, WEAVE Inc.) provided an overview of WEAVE Inc., a non-profit agency working to end domestic and sexual violence. WEAVE provides legal services in the greater Sacramento area. Ms. Badiga stated that WEAVE's LEP population is primarily Spanish-speaking. She further relayed that some of the needs faced by WEAVE clients are so critical and urgent that the availability of an interpreter could be a life or death situation for a client. She noted the important distinction between being bilingual and being an interpreter, stating that bilingual individuals do not generally know or understand how to explain legal concepts. She also warned against relying on self-reporting of language needs as it leads to an underestimation of the difficulty of understanding legal proceedings in English and it can be very costly to clients. Ms. Badiga also pointed out that at times clients may experience a lack of comfort with an interpreter, which could be cultural. These challenges sometimes make it harder for WEAVE providers to delve deeper into some of the particular struggles faced by their clients. Overall, she noted that the court has been excellent in ramping up access to Spanish interpreters. However, she added, there are still challenging in securing certified Punjabi interpreters. Lastly, Ms. Badiga stated that the more barriers the clients face, the more critical the services are.

Ms. Naomi Adelson of the Task Force asked the panel how they work with indigenous languages and languages of lesser diffusion. Ms. Badiga, in her response, noted the importance of not just looking at data regarding a "preferred language," but also looking at the language an individual speaks at home. Ms. Badiga added that providers have to consider both language and communication. Sometimes the language needs are so rare, you have to "make do." In terms of assisting the community with accessing services, Ms. Badiga stated that in Sacramento, the organization helps clients fill out forms to request an interpreter and provides advice to clients about language services accordingly.

Ms. Joann Lee from Legal Aid Foundation of Los Angeles (LAFLA) stated that they have self-help centers in the courts and they attend various meetings to raise issues with judges, if needed. LAFLA also participates in language service meetings twice a year. Ms. Lee stated that having

the court Language Access Representatives (LARs) has been helpful. The LARs will work with LAFLA to resolve complaints informally.

Mr. Hefner noted that Assemblymember Chiu's office relies heavily on hearing from communities in order to make changes. Ms. Badiga noted that quarterly or more often, the organization communicates with the court about issues.

Ms. Anne Marx from the Judicial Council Court Interpreters Program highlighted an ongoing need for partnerships with local community groups, stating that partnerships take time and, often, courts and organizations are understaffed. Ms. Marx noted the importance of ongoing efforts to develop internship programs and other initiatives that can support courts in entering into partnerships.

When asked about bilingual staffing and recruitment, Mr. Goldberg shared LSNC uses bilingual staff when they can. They require bilingual staff to pass a test and LSNC actively looks for bilingual individuals when recruiting staff. Mr. Goldberg added that LSNC uses in-person language assistance when they can, and will use telephonic language services, if needed. LSNC never uses minors to interpret and will only use family members if it is an emergency. Mr. Goldberg also stated that LSNC translates materials into Spanish based on the needs of the community. Translations are completed using staff (especially for written correspondence). If there is no staff, a translation agency is used. LSNC does not use Google Translate or other machine translation.

Ms. Badiga explained that WEAVE has gotten federal and state grants that have allowed them to hire bilingual attorneys and staff to better serve LEP clients. Bilingual staff are offered a pay differential, but retention is a challenge they face.

Ms. Rebecca Montgomery, the LAR from Solano County Superior Court, talked about the court's outreach efforts, including an initiative to visit schools and provide information about a career in interpreting. She provided the example of working with University of California, Davis, where the presentation focused on the profession of court interpreting, what the career entails, and what it takes to become a certified court interpreter in California.

Mr. Goldberg explained that LSNC outreach efforts have included participation at public fairs and identifying organizations in the community to make connections. LSNC also conducts one-day naturalization fairs and works with other organizations to organize them. LSNC is constantly looking for other organizations to reach out to and work together to better reach LEP and other vulnerable clients.

WEAVE offers legal workshops at other organizations where there is a high need for services. Examples include partnering with other domestic violence agencies that specialize in services for ethnic communities. Ms. Badiga noted the importance of cultural competence and sensitivity.

With regard to state assembly work, Mr. Hefner described Assemblymember Chiu's office's efforts in conducting 15 outreach meetings within the Asian Pacific Islander community in San Francisco to gather information. The Assemblymember Chiu and his staff are now bringing that information back to Sacramento.

SESSION THREE – VIDEO REMOTE INTERPRETING PILOT PROJECT AND OTHER TECHNOLOGICAL SOLUTIONS

Moderators: Hon. Terence Bruiniers

Participants: Hon. Jaime Román, Deputy Stephen Roberts, Ms. Kim Pedersen, Ms. Ofelia Sandoval, and Mr. Mike Planet

Hon. Terence Bruiniers (Associate Justice of the Court of Appeal, First Appellate District, Division Five; and Chair of the Task Force's Technological Solutions Subcommittee) opened the third and last session by introducing the panel members and then providing a brief presentation of slides illustrating visuals of the six-month VRI Pilot Project. Justice Bruiniers' presentation included a review of the VRI vendors participating in the pilot: Paras & Associates and the Connected Justice Consortium. The presentation also noted the independent evaluation process being conducted by the San Diego State University Research Foundation. Justice Bruiniers discussed the training component of the VRI pilot courts (Merced, Sacramento and Ventura Superior Court), including the use of mock trials to help train participants on the equipment and refine processes. He explained the pilot is testing the effective communication and the technical performance of the VRI equipment.

Hon. Jaime Román (Superior Court of California, County of Sacramento) stated that the VRI Pilot in his court has included arraignments and settlements. He stated that the court may have up to 80 cases in the morning and with VRI, the court is able to provide immediate communication which helps ease everyone. In using VRI, Judge Román noted the importance of pacing, making sure not to go too fast or too slow as the speaker. He noted that the younger attorneys seem to be more willing to use VRI; however, the older attorneys are drawn to VRI and are also willing to work with VRI. Judge Román noted that VRI can assist with ensuring due process, providing timely access to services, and serving litigants. As he described, the mistakes made so far with the VRI pilot have been because of user error, but they have been readily and easily addressed.

Ms. Kim Pedersen from Sacramento Superior Court added that sometimes the interpreter virtually stays with the litigant after the court proceeding, by moving from a screen in the courtroom to another area in the court on a different screen. This is so that the interpreter can assist with facilitating LEP litigant surveys regarding the use of VRI. So far, all of the LEP court users have given the technology a five-star rating and have been satisfied with the services.

Deputy Stephen Roberts (Bailiff, Superior Court of California, County of Sacramento) stated that his primary role in the courtroom is to ensure security and adherence to protocol. The addition

of VRI is one more step that adds to his normal duties. As part of the VRI Pilot at Sacramento Court, Deputy Roberts is responsible for rolling in the equipment into the courtroom and turning everything on. He reports that the process, thus far, has been seamless. He also confirmed that everyone seems to be receptive to VRI and that the defendants usually understand right away that someone who speaks their language will be available. While there have been some technical challenges during the pilot, his overall assessment is that everything has gone smoothly.

Ms. Kim Pedersen (Language Access Representative, Superior Court of California, County of Sacramento) noted that Sacramento Court has been able to use VRI for private attorney-client communications. The court created a cheat sheet to make sure that the attorneys and judges know that they need to mute their microphones if they do not want to be heard using VRI.

Task Force member Jose Varela asked Ms. Pedersen how the lead interpreter for the pilot had been chosen. Ms. Pedersen explained that a total of 23 interpreters of the 26 Spanish interpreters on staff were trained so that they could be used on rotation. The court also offered additional training to any interpreters that needed it. The goal of the court was to use all available interpreters in the VRI Pilot.

Ms. Naomi Adelson asked about the use of VRI in trials, and Justice Bruiniers stated that it is still the intention of the pilot to use VRI for short, non- or limited-evidentiary procedures, in appropriate settings, and that it is not the intention to use VRI for trials.

Ms. Ofelia Sandoval (Certified Court Interpreter, Superior Court of California, County of Merced) spoke about her experience as a Spanish interpreter participating in the VRI Pilot. She stated that she had completed about four weeks of the pilot and have mostly interpreted in the consecutive mode of interpretation. She switches out with another downtown Merced interpreter every two weeks. Ms. Sandoval noted that she had conducted a simultaneous interpretation for traffic cases and the experience required her to manipulate the technology because the same speaker system was shared. She reported finding that process to be very distracting. Ms. Sandoval noted that VRI seemed fine for brief, non-complex matters using the consecutive mode.

In discussing the systems being used for the VRI Pilot, Justice Bruiniers stated that Connected Justice has a more sophisticated integration, but it can be more difficult to integrate with courts.

Mr. Mike Planet (Court Executive Officer, Superior Court of California, County of Ventura) stated that Ventura County Superior Court is currently working with Paras & Associates and currently doing training with Connected Justice. Mr. Planet confirmed that the VRI Pilot seems to be going well. One of the courtrooms has an attorney/client conference room, so they are able to use that room as a separate set-up. In comparing the previously conducted VRI Pilot for American Sign Language (ASL) and this pilot for spoken language, Mr. Planet stated that both pilots require close communication with Information Technology (IT) staff. To be successful with VRI, Mr. Planet emphasized the need to work closely in partnership with IT. He also noted that the main difference for the spoken language pilot is working with two audio feeds and also,

trying to serve a larger volume of users. The process can slow down proceedings if you are using the consecutive mode of interpretation. Mr. Planet also noted that the current technology provides the ability to pan the whole courtroom.

In looking at VRI and its possible use for smaller courts, Justice Bruiniers noted the importance of looking at what can be cost effective for a smaller county and reported that there will be more exploration of how to share resources across counties.

Mr. Planet reiterated what other panelists mentioned, that all courts have challenges serving LEP court users in more exotic languages and VRI can assist with providing interpreters in these languages, regardless of court size. The challenge is ensuring that there is a backbone/infrastructure to provide services.

Ms. Janet Hudec of the Task Force brought up that courts should also look at the use of VRI outside court proceedings (such as for probation interviews, classes, etc.). While this is not part of this particular pilot project, it may be good to look at other technological solutions for non-courtroom uses where certified interpreters are not required. Mr. Planet noted that looking to use VRI outside of court may be of interest to Ventura Court if cost-sharing is in place, but the first priority would be covering the courts now.

Ms. Pedersen explained that, at Sacramento Court, the interpreter is required to follow the court user to the fines and fees room and the court is now monitoring the use of VRI for that service, too. The current process entails having the same interpreter that was assisting in the courtroom log off the monitor in the courtroom and then log onto the monitor in the fines room to assist the LEP court user in that interaction. So far, providing VRI in this way has resulted in satisfaction by the court user for this service.

PUBLIC COMMENT

Public comment included a video message from Ms. Amber Hodson of Deaf Hope. The message indicated that communication efforts for the deaf community would be better in video format with ASL signing. The comment noted that the notice for the Community Outreach meeting should be provided in video format with ASL.

Ms. Lorena Pike, the Language Access Representative from Santa Barbara Superior Court, shared her court is a mid-size court currently covering interpreters for all civil cases, as well as all probate, guardianship, and family law cases. She noted that court users speak a number of different Mixteco languages. To encourage more interpreters, Ms. Pike has been going to career fairs at junior high schools, high schools, and the local university. Ms. Pike uses these opportunities to talk to linguistic department students about a career in court interpreting. She also started a workshop, "Intro to Court Interpreting," that she gives for free so that local individuals learn about the interpreting profession. Ms. Pike is also in discussion with colleges in Santa Barbara to train interpreters, given that there are no other programs in the Central Coast.

In fact, Santa Barbara City College is in the process of approving a program and Ms. Pike will be a faculty member teaching a certificate program (translation and interpretation).

Ms. Pike also explained that there are interpreter retention issues because state courts do not pay the federal rate. She suggested that having the Judicial Council raise the guidelines for payment would offer more incentive to the interpreters. Additionally, Ms. Pike noted that Punjabi and Tagalog interpreters are very difficult to get because there are few certified interpreters in these languages. Ms. Pike also noted that the court has difficulty reaching out to speakers of indigenous languages.

A D J O U R N M E N T

Justice Cuéllar thanked everyone for participating in today's meeting.

Justice Cuéllar thanked all of the speakers and all who attended in person or listened in by telephone or via the live broadcast on the California Courts website. He also thanked the Judicial Council staff and the National Center for State Courts for helping the Task Force present the meeting. The audio for the meeting will be posted to the Task Force web page as soon as it is available.

Justice Cuéllar reflected on the Task Force's accomplishments. He reported being heartened by the great progress that the California courts and stakeholders have made since 2015 in implementing the Language Access Plan and making language access a reality in the courts. He reviewed the following, as the significant projects for the Task Force in its final year:

- VRI Pilot Project and other technologies to assist LEP court users;
- Funding requests, including making sure there are enough funds for full civil expansion;
- Data collection and monitoring; and
- Transitioning the remaining work of the Task Force after it sunsets so Language Access remains a vital program for the judicial branch.

There being no further business, the meeting was adjourned at 1:00 p.m.

Approved by the advisory body on [insert date].

Language Access Plan Implementation Task Force



Interim Progress Report for October 04, 2018

Number of Phase 1, 2 and 3 Recommendations: 75

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 1. Courts will identify the language access needs for each LEP court user, including parties, witnesses, or other persons with a significant interest, at the earliest possible point of contact with the LEP person. The language needs will be clearly and consistently documented in the case management system and/or any other case record or file, as appropriate given a court's existing case information record system, and this capability should be included in any future system upgrades or system development.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The Language Access Services Unit is working on an interim guidance memorandum for courts on data collection (anticipated for completion in Fall 2018). Technological Solutions Subcommittee (TSS) staff has compiled a matrix for case management system (CMS) functionality for at least one major CMS.

Date of Last Update: 9/19/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 2. A court's provision or denial of language services must be tracked in the court's case information system, however appropriate given a court's capabilities. Where current tracking of provision or denial is not possible, courts must make reasonable efforts to modify or update their systems to capture relevant data as soon as feasible.

Status of Recommendation: Partially implemented **Phase 1 and 2**

Progress Update: The Language Access Services Unit is working on an interim guidance memorandum for courts on data collection (anticipated for completion in Fall 2018). TSS staff has compiled a matrix for case management system (CMS) functionality for at least one major CMS, and will continue to research the effort to implement such functionality. The TSS will develop an analysis for the new advisory group (TBD) on what steps the branch may need to undertake and address CMS and other technology projects after the Task Force sunsets.

Date of Last Update: 9/11/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 3. Courts should establish protocols by which justice partners can indicate to the court that an individual requires a spoken language interpreter at the earliest possible point of contact with the court system.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: There may be interim guidance that can be developed for courts on this recommendation before the Task Force sunsets. Any CMS changes regarding protocols with justice partners are anticipated to be a long-term project for the branch.

Date of Last Update: 9/11/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 4. Courts will establish mechanisms that invite LEP persons to self-identify as needing language access services upon contact with any part of the court system (using, for example, "I speak" cards [see page 49 for a sample card]). In the absence of self-identification, judicial officers and court staff must proactively seek to ascertain a court user's language needs.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee continues to build the use of "I Speak" cards into all best practices and recommendations developed for courts. The Task Force is working with the National Center for State Courts to build out and maintain the Language Access Toolkit. The "I Speak" cards, along with other resources and tools to help courts ascertain language needs at the earliest point of contact, are on the Toolkit.

Date of Last Update: 9/21/2018

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 5. Courts will inform court users about the availability of language access services at the earliest points of contact between court users and the court. The notice must include, where accurate and appropriate, that language access services are free. Courts should take into account that the need for language access services may occur earlier or later in the court process, so information about language services must be available throughout the duration of a case. Notices should be in English and up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. Notice must be provided to the public, justice partners, legal services agencies, community-based organizations, and other entities working with LEP populations.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Notice of Available Language Access Services was formatted and translated into nine languages. It is now available on the Language Access Toolkit in a single multilingual version and in nine separate files that contain English and each of the nine other languages of translation.

Date of Last Update: 6/7/2017

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 6. The Judicial Council and the courts will continue to expand and improve data collection on interpreter services, and expand language services cost reporting to include amounts spent on other language access services and tools such as translations, interpreter or language services coordination, bilingual pay differential for staff, and multilingual signage or technologies. This information is critical in supporting funding requests as the courts expand language access services into civil cases.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee determined that existing trial court data collection systems can be modified to capture the additional information necessary under LAP Recommendation No. 6. The subcommittee will continue to monitor developments to determine whether additional data collection procedures are necessary.

Date of Last Update: 10/7/2016

Goal 1: Improve Early Identification of and Data Collection on Language Needs

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 7. The Judicial Council and the courts should collect data in order to anticipate the numbers and languages of likely LEP court users. Whenever data is collected, including for these purposes, the courts and the Judicial Council should look at other sources of data beyond the U.S. Census, such as school systems, health departments, county social services, and local community-based agencies.

Status of Recommendation: Completed **Phase 2**

Progress Update: The subcommittee evaluated different data sources and made recommendations to the courts about potential data sources to look at beyond the U.S. Census. The data sources document has been posted to the Judicial Resources Network, and will be regularly updated. The Judicial Council will review applicable data sources for development of the 2020 Language Need and Interpreter Use study, a report on language need and interpreter use in the California trial courts that the Legislature requires to be produced every five years under Government Code section 68563.

Date of Last Update: 5/31/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 8. Qualified interpreters must be provided in the California courts to LEP court users in all court proceedings, including civil proceedings as prioritized in Evidence Code section 756 (see Appendix H), and including Family Court Services mediation.

Status of Recommendation: Partially implemented **Phase 1 and 2**

Progress Update: As of December 2017, a survey conducted in March 2018 indicates that 51 of 58 courts are now able to provide court interpreters in all eight civil priority levels that are dictated by statute (Evid. Code, § 756). Information gathered by the Task Force regarding each court's estimated coverage will help the council with funding and other targeted efforts designed to help all 58 courts reach full expansion. Because of the branch's continuing commitment to language access and support for this expansion of interpreter service in trial courts across the state, the council is seeking increased funding for the interpreter reimbursement fund in FY 2019-20.

Date of Last Update: 9/21/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 9. Pending amendment of California Rules of Court, rule 2.893, when good cause exists, a noncertified or nonregistered court interpreter may be appointed in a court proceeding in any matter, civil or criminal, only after he or she is determined to be qualified by following the procedures for provisional qualification. These procedures are currently set forth, for criminal and juvenile delinquency matters, in rule 2.893 (and, for civil matters, will be set forth once the existing rule of court is amended). (See Recommendation 50, on training for judicial officers and court staff regarding the provisional qualification procedures, and Recommendation 70, on amending rule 2.893 to include civil cases.)

Status of Recommendation: Completed

Phase 1 and 2

Progress Update: In September 2017, the Judicial Council voted to adopt changes to Rule 2.893 and related forms, and adopted the same process and procedures for provisionally qualifying spoken language interpreters in all case types, not just criminal cases. The changes will be effective January 1, 2018.

Date of Last Update: 10/12/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 10. Beginning immediately, as resources are available, but in any event no later than 2020, courts will provide qualified court interpreters in all court-ordered, court-operated programs, services and events, to all LEP litigants, witnesses, and persons with a significant interest in the case.

Status of Recommendation: Partially implemented

Phase 1, 2, and 3

Progress Update: We will likely request funding to support this expansion effort in a future BCP. Separately, the Task Force is developing a rule of court that will provide clear guidance on the provision of language assistance in court-ordered programs and services. Language Access Services staff also sent out a language access survey to courts in March 2018 (a survey report is due by October 2018). The intent of the survey was to gather additional information to assist the California judiciary and the Task Force with an assessment of current language access needs and the identification of statewide and local language access services provided.

Date of Last Update: 9/21/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 11. An LEP individual should not be ordered to participate in a court-ordered program if that program does not provide appropriate language accessible services. If a judicial officer does not order participation in services due to the program's lack of language capacity, the court should order the litigant to participate in an appropriate alternative program that provides language access services for the LEP court user. In making its findings and orders, the court should inquire if the program provides language access services to ensure the LEP court user's ability to meet the requirements of the court.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The Task Force is developing a rule of court that will provide clear guidance on the provision of language assistance in court-ordered programs and services.

Date of Last Update: 8/27/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 12. The use of in-person, certified and registered court interpreters is preferred for court proceedings, but courts may consider the use of remote interpreting where it is appropriate for a particular event. Remote interpreting may only be used if it will allow LEP court users to fully and meaningfully participate in the proceedings.

Status of Recommendation: Completed **Phase 1**

Progress Update: The use of in-person, certified and registered court interpreters is preferred for court proceedings. The Video Remote Interpreting (VRI) Pilot Project, per recommendation 16, will help define and test appropriate uses of remote interpreting, to allow LEP court users to fully and meaningfully participate in court proceedings. Following conclusion of the VRI pilot, findings and recommendations will be developed for the Judicial Council.

Date of Last Update: 6/12/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 13. When using remote interpreting in the courtroom, the court must satisfy, to the extent feasible, the prerequisites, considerations, and guidelines for remote interpreting set forth in Appendix B.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The VRI Pilot Project concluded on July 31, 2018. The pilot followed the recommendations in the LAP, to the extent possible, including the prerequisites, considerations and guidelines for remote interpreting as set forth in LAP Appendix B. An assessment of the pilot project is being conducted by a third party entity (San Diego State University), and an evaluation report will be submitted in Q4 of 2018. The National Center for State Courts (NCSC) has also been contracted to help the LAPITF to develop minimum technical guidelines for future use of VRI in the courts. NCSC will develop a report with finding and recommendations on VRI for the Judicial Council by March 2019.

Date of Last Update: 10/4/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 14. The Implementation Task Force will establish minimum technology requirements for remote interpreting which will be updated on an ongoing basis and which will include minimum requirements for both simultaneous and consecutive interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The VRI Pilot Project concluded on July 31, 2018. As mentioned in Recommendation 13, an assessment of the project is being conducted by a third party entity (San Diego State University), and an evaluation report will be submitted in Q4 of 2018. The NCSC has also been contracted to help the LAPITF develop minimum technical guidelines for future use of VRI in the courts. NCSC will develop a report with finding and recommendations on VRI for the Judicial Council by March 2019.

Date of Last Update: 10/4/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 15. Courts using remote interpreting should strive to provide video, used in conjunction with enhanced audio equipment, for courtroom interpretations, rather than relying on telephonic interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The VRI Pilot Project concluded on July 31, 2018, and included video remote interpreting with enhanced video and audio equipment for courtroom interpretations. An evaluation report will be submitted by a third party evaluator (San Diego State University) in Q4 of 2018, and the NCSC is also helping the LAPITF to develop minimum technical guidelines for VRI. NCSC will develop a report with finding and recommendations on VRI for the Judicial Council by March 2019.

Date of Last Update: 10/4/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 16. The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch's Tactical Plan for Technology 2014-2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis. The Judicial Council should make clear that this pilot project would not preclude or prevent any court from proceeding on its own to deploy remote interpreting, so long as it allows LEP court users to fully and meaningfully participate in the proceedings.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The VRI Pilot Project concluded on July 31, 2018. An assessment of the pilot project is being conducted by a third party entity (San Diego State University), and an evaluation report will be submitted in Q4 of 2018. The NCSC has also been contracted to help the LAPITF to develop minimum technical guidelines for future use of VRI in the courts. NCSC will develop a report with finding and recommendations on VRI for the Judicial Council by March 2019.

Date of Last Update: 10/4/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 17. In order to maximize the use and availability of California’s highly skilled certified and registered interpreters, the Judicial Council should consider creating a pilot program through which certified and registered interpreters would be available to all courts on a short-notice basis to provide remote interpreting services.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The VRI Pilot Project concluded on July 31, 2018, which tested the equipment for inter-court operability. Interpreters from one pilot court were able to call into a remote courtroom in a different county. The test for at least one vendor was successful in linking the three pilot courts together; however, there was no additional assessment on the feasibility of sharing a pool of court interpreters at this time.

Date of Last Update: 9/19/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 18. The Judicial Council should continue to create multilingual standardized videos for high-volume case types that lend themselves to generalized, not localized, legal information, and provide them to courts in the state’s top eight languages and captioned in other languages.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee created a list of existing Judicial Council self-help videos in English and other languages. Judicial Council staff is exploring creation of additional multilingual videos to assist LEP court users in different languages.

Date of Last Update: 3/11/2018

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 19. Effective January 2015, pursuant to Government Code section 68561(g) and (f), judicial officers, in conjunction with court administrative personnel, must ensure that the interpreters being appointed are qualified, properly represent their credentials on the record, and have filed with the court their interpreter oaths. (See Recommendation 50, which discusses training of judicial officers and court staff on these subjects.)

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These materials expressly address recommendation number 19, and are available to judges, subordinate judicial officers, and court staff on CJER Online. The Bench Card is also handed out at all of CJER's live statewide judicial education programs. In addition, this content is discussed at live judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 20. The Judicial Council should expand the existing formal regional coordination system to improve efficiencies in interpreter scheduling for court proceedings and cross-assignments between courts throughout the state. (See Recommendation 30, addressing coordination for bilingual staff and interpreters for non-courtroom events.)

Status of Recommendation: Completed **Phase 2**

Progress Update: In August 2017, the NCSC provided the Judicial Council with an internal report that contained findings and recommendations for potential improvements to the regional coordination system for cross-assignment of interpreters. Judicial Council staff will work with courts to review the recommendations and make improvements.

Date of Last Update: 10/27/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 21. Courts should continue to develop methods for using interpreters more efficiently and effectively, including but not limited to calendar coordination. Courts should develop these systems in a way that does not have a chilling effect on LEP court users' access to court services.

Status of Recommendation: Completed **Phase 2**

Progress Update: In August 2017, the NCSC provided the Judicial Council with an internal report that contained findings and recommendations on potential methods for using interpreters more efficiently and effectively, including calendar coordination. Judicial Council staff will work with courts to review the recommendations and make improvements to the regional cross-assignment system. At the local court level, courts should ensure that their case calendaring practices do not have a chilling effect on LEP court users' access to court services.

Date of Last Update: 10/27/2017

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 22. Absent exigent circumstances, when appointing a noncertified, nonregistered interpreter, courts must not appoint persons with a conflict of interest or bias with respect to the matter.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These materials expressly address recommendation number 22, and are available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER's live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 23. Minors will not be appointed to interpret in courtroom proceedings nor court-ordered and court-operated activities.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These materials expressly address recommendation number 23, and area available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER's live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 24. Absent exigent circumstances, courts should avoid appointing bilingual court staff to interpret in courtroom proceedings; if the court does appoint staff, he or she must meet all of the provisional qualification requirements.

Status of Recommendation: Completed **Phase 2**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for bench officers; and training curricula outlines for judicial officers and court staff. These documents address LAP Recommendation 24 and are available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER's live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 25. The court in each county will designate an office or person that serves as a language access resource for all court users, as well as court staff and judicial officers. This person or persons should be able to: describe all the services the court provides and what services it does not provide, access and disseminate all of the court's multilingual written information as requested, and help LEP court users and court staff locate court language access resources.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee developed and distributed written guidance for trial court leadership in December 2015 and requested that each court designate a language access office or representative. Each of the 58 courts has designated a language access representative. California Rules of Court, Rule 2.850, effective January 1, 2018, makes clear that the designation of a Language Access Representative is an ongoing requirement for courts. To help support implementation efforts, Judicial Council staff developed a listserv to enable communication to and among the various representatives regarding language access, and bi-monthly (every other month) webinar meetings are now conducted with the Language Access Representatives.

Date of Last Update: 9/21/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 26. Courts should identify which points of contact are most critical for LEP court users, and, whenever possible, should place qualified bilingual staff at these locations. (See Recommendation 47, which discusses possible standards for the appropriate qualification level of bilingual staff at these locations.)

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee prepared a Points of Contact document that was approved by the Task Force at its January 30, 2018 meeting. The document is available on the Language Access Toolkit.

Date of Last Update: 2/8/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 27. All court staff who engage with the public will have access to language assistance tools, such as translated materials and resources, multi-language glossaries and “I speak” cards, to determine a court user’s native language, direct him or her to the designated location for language services, and/or provide the LEP individual with brochures, instructions, or other information in the appropriate language.

Status of Recommendation: Completed **Phase 2**

Progress Update: The Task Force is working with the NCSC to build out and maintain the Language Access Toolkit. The subcommittee worked with LAPITF staff to add recently-developed tools, including the Translation Protocol and the Translation Action Plan. The Notice of Available Language Access Services is available on the Toolkit in a single multi-lingual version and in nine separate files that contain English and each of the nine other languages of translation.

Date of Last Update: 9/19/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 28. Courts should strive to recruit bilingual staff fluent in the languages most common in that county. In order to increase the bilingual applicant pool, courts should conduct outreach to educational providers in the community, such as local high schools, community colleges, and universities, to promote the career opportunities available to bilingual individuals in the courts.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: Individual courts are recruiting and hiring bilingual staff as needed to support LAP implementation. The NCSC assisted the Task Force and the Court Interpreters Program regarding development of recruitment strategies, which were shared with the public at the Task Force's March 2017 Community Outreach Meeting. Efforts are underway for the Judicial Council to develop a more robust statewide recruitment initiative. Recruitment of qualified bilingual staff will be an ongoing responsibility for the judicial branch.

Date of Last Update: 10/12/2017

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 29. Courts will develop written protocols or procedures to ensure LEP court users obtain adequate language access services where bilingual staff are not available. For example, the court's interpreter coordinator could be on call to identify which interpreters or staff are available and appropriate to provide services in the clerk's office or self-help center. Additionally, the use of remote technologies such as telephone access to bilingual staff persons in another location or remote interpreting could be instituted.

Status of Recommendation: Completed **Phase 2**

Progress Update: A protocol and Action Guide for meeting the needs of LEP court users were completed on 6/30/2017 and have been posted to the Language Access Toolkit.

Date of Last Update: 9/20/2017

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 30. The Judicial Council should consider adopting policies that promote sharing of bilingual staff and certified and registered court interpreters among courts, using remote technologies, for language assistance outside of court proceedings.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: At its meeting on January 30, 2018, the Task Force approved the report titled "Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom" for posting on the Language Access Toolkit. This report provides a survey of remote technology programs and approaches in the California courts and throughout the United States, specifically for the purpose of sharing bilingual employees among courts. The Task Force is developing a rule of court to provide specific guidance regarding language assistance outside of court proceedings.

Date of Last Update: 8/27/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 31. The courts and the Judicial Council should consider a pilot to implement the use of remote interpreter services for counter help and at self-help centers, incorporating different solutions, including court-paid cloud-based fee-for-service models or a court/centralized bank of bilingual professionals.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The Language Access Services Unit is exploring the purchase of equipment and software to test with courts that are willing to pilot language assistance devices outside the courtroom. LAP staff is collaborating with the Stanford Design Lab on a project to allow students and researchers to observe and collect data on the effectiveness of such devices. This project is not meant to be a replacement of interpreter services, and is merely a testing of potential hardware or software that would assist court staff to provide appropriate language assistance outside of the courtroom.

Date of Last Update: 9/21/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 32. The courts should consider a pilot to implement inter-court, remote attendance at workshops, trainings, or “information nights” conducted in non-English languages using a variety of equipment, including telephone, video-conferencing (WebEx, Skype), or other technologies.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The VRI Pilot project concluded on July 31, 2018, which included inter-court testing and review. The equipment during the project was used mainly in the courtroom, but was also set up outside of the courtroom at a clerk's window to assist a LEP court user after a courtroom hearing. Results from the pilot project can help inform us of how to proceed with intercourt interactions for workshops, trainings, etc.

Date of Last Update: 9/19/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 33. In matters with LEP court users, courts must determine that court-appointed professionals, such as psychologists, mediators, and guardians, can provide linguistically accessible services before ordering or referring LEP court users to those professionals. Where no such language capability exists, courts should make reasonable efforts to identify or enter into contracts with providers able to offer such language capabilities, either as bilingual professionals who can provide the service directly in another language or via qualified interpreters.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The Task Force is developing a rule of court that will provide clear guidance on the provision of language assistance in court-ordered programs and services. The proposal will include an optional form that courts may use to collect information about language services provided by local service providers, programs and services.

Date of Last Update: 8/27/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 34. Courts should consider the use of bilingual volunteers to provide language access services at points of contact other than court proceedings, where appropriate. Bilingual volunteers and interns must be properly trained and supervised.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: A draft version of this document was completed and circulated to LAPITF members in June 2016. Staff will coordinate the best practices and standards contained in this report with the training and standards for bilingual employees to be issued by December 2018.

Date of Last Update: 8/27/2018

Goal 3: Provide Language Access Services at All Points of Contact Outside Judicial Proceedings

Technological Solutions Subcommittee

Subcommittee Lead Staff: Jenny Phu

Recommendation: 35. As an alternative for traditional information dissemination, the Judicial Council should consider creating pilot programs to implement the use of language access kiosks in lobbies or other public waiting areas to provide a variety of information electronically, such as on a computer or tablet platform. This information should be in English and up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. At a minimum, all such materials should be available in English and Spanish.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: In lieu of a pilot, the TSS would like to gather information from courts (like Riverside) that are implementing multilingual kiosks.

Date of Last Update: 9/11/2018

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 36. The Judicial Council will create a translation committee to develop and formalize a translation protocol for Judicial Council translations of forms, written materials, and audiovisual tools. The committee should collaborate with interpreter organizations and courts to develop a legal glossary in all certified languages, taking into account regional differences, to maintain consistency in the translation of legal terms. The committee's responsibilities will also include identifying qualifications for translators, and the prioritization, coordination, and oversight of the translation of materials. The qualification of translators should include a requirement to have a court or legal specialization and be accredited by the American Translators Association (ATA), or to have been determined qualified to provide the translations based on experience, education, and references. Once the Judicial Council's translation protocol is established, individual courts should establish similar quality control and translation procedures for local forms, informational materials, recordings, and videos aimed at providing information to the public. Local court website information should use similarly qualified translators. Courts are encouraged to partner with local community organizations to accomplish this recommendation.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee has developed a list of potential translation duties based on the pending elements of Recommendation No. 36. Judicial Council staff will work with the Task Force Chairs regarding long-term implementation of the translation duties in this recommendation.

Date of Last Update: 8/27/2018

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 37. The Judicial Council staff will work with courts to provide samples and templates of multilingual information for court users that are applicable on a statewide basis and adaptable for local use.

Status of Recommendation: Completed **Phase 1**

Progress Update: With the creation of the Language Access Toolkit, the subcommittee has been able to promote and disseminate samples and templates of multilingual information, including signage, forms and information sheets. The Task Force is working with the NCSC to build out and maintain the Language Access Toolkit.

Date of Last Update: 9/19/2018

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 38. The Judicial Council’s staff will post on the California Courts website written translations of forms and informational and educational materials for the public as they become available and will send notice to the courts of their availability so that courts can link to these postings from their own websites.

Status of Recommendation: Completed **Phase 1**

Progress Update: Judicial Council staff now has a regular process for communicating with Language Access Representatives via email and with the courts through existing channels (such as Court News Update) when new resources are available and posted on the Judicial Resources Network, the Language Access Toolkit and the California Courts public website.

Date of Last Update: 5/16/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 39. The staff of the Judicial Council should assist courts by providing plain-language translations of the most common and relevant signs likely to be used in a courthouse, and provide guidance on the use of internationally recognized icons, symbols, and displays to limit the need for text and, therefore, translation. Where more localized signage is required, courts should have all public signs in English and translated in up to five other languages based on local community needs assessed through collaboration with and information from justice partners, including legal services providers, community-based organizations, and other entities working with LEP populations. At a minimum, all such materials should be available in English and Spanish.

Status of Recommendation: Completed **Phase 2**

Progress Update: The Glossary of Signage Terms and Icons was completed and posted to the Language Access Toolkit in June 2017. It contains 75 common signage terms and phrases that have been translated into 10 languages. It also contains recommended universal icons for courthouse signage and wayfinding.

Date of Last Update: 9/20/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 40. Courts will provide sight translation of court orders and should consider providing written translations of those orders to LEP persons when needed. At a minimum, courts should provide the translated version of the relevant Judicial Council form to help litigants compare their specific court order to the translated template form.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council approved the Translation Action Plan at its meeting in June 2016. The Action Plan contains a priority ranking of documents slated for translation in order to most efficiently use branch resources. The Action Plan also contains recommendations regarding the formatting and dissemination of multilingual resources.

Date of Last Update: 5/16/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 41. The Judicial Council, partnering with courts, should ensure that new courthouse construction efforts, as well as redesign of existing courthouse space, are undertaken with consideration for making courthouses more easily navigable by all LEP persons.

Status of Recommendation: Completed **Phase 2**

Progress Update: The subcommittee collaborated with NCSC on the development of the report, "Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations," which contains specific recommendations with respect to courthouse design to enhance language access. The report was presented to the LAPITF at their in-person meeting on January 30, 2017 and approved for presentation to the Judicial Council. It was presented to the Judicial Council on May 18, 2017, and has been posted to the Language Access Toolkit.

Date of Last Update: 6/12/2017

Goal 4: Provide High Quality Multilingual Translation and Signage

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 42. The Judicial Council's staff will provide information to courts interested in better wayfinding strategies, multilingual (static and dynamic) signage, and other design strategies that focus on assisting LEP court users.

Status of Recommendation: Completed **Phase 2**

Progress Update: The subcommittee collaborated with NCSC on the development of the report, "Wayfinding and Signage Strategies for Language Access in the California Courts: Report and Recommendations," which contains specific recommendations with respect to wayfinding strategies and multilingual signage. The report was presented to the Task Force at their in-person meeting on January 30, 2017 and approved for presentation to the Judicial Council. It was presented to the Judicial Council on May 18, 2017, and has been posted to the Language Access Toolkit.

Date of Last Update: 6/12/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Claudia Ortega

Recommendation: 43. Courts, the Judicial Council, and the Court Interpreters Advisory Panel (CIAP) will ensure that all interpreters providing language access services to limited English proficient court users are qualified and competent. Existing standards for qualifications should remain in effect and will be reviewed regularly by the CIAP.

Status of Recommendation: Completed **Phase 1**

Progress Update: The CIAP's review and update of rule 2.893 and related forms will be effective January 1, 2018. Otherwise, the CIAP will continue its role regarding interpreter standards for qualification.

Date of Last Update: 10/12/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 44. The online statewide orientation program will continue to be available to facilitate orientation training for new interpreters working in the courts.

Status of Recommendation: Completed **Phase 1**

Progress Update: The online statewide orientation program was updated by the subcommittee and includes a new module on civil cases. The online orientation is available for free on the Court Interpreters Program web page.

Date of Last Update: 9/19/2018

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 45. The Judicial Council and the courts should work with interpreter organizations and educational providers (including the California community college and state university systems) to examine ways to better prepare prospective interpreters to pass the credentialing examination. These efforts should include:

- Partnering to develop possible exam preparation courses and tests, and
- Creating internship and mentorship opportunities in the courts and in related legal settings (such as work with legal services providers or other legal professionals) to help train and prepare prospective interpreters in all legal areas.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The NCSC assisted the Task Force regarding development of potential recommendations to assist near passers of the bilingual interpreting exam. These recommendations were shared with the public at the Task Force's March 2017 Community Outreach Meeting. Monies were included in the Governor's 2017 Budget to help support interpreter training, recruitment efforts and internship opportunities. The Court Interpreters Program will continue to focus on education programs that will assist near passers of the bilingual interpreter exam and to identify and support internship opportunities of prospective interpreters.

Date of Last Update: 10/12/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 46. The Judicial Council, interpreter organizations, and educational groups should collaborate to create training programs for those who will be interpreting in civil cases and those who will be providing remote interpreting.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The NCSC assisted the Task Force regarding development of curriculum for court interpreters working in civil cases. Judicial Council staff will be working in 2018 on how best to develop this training into an online format and then will disseminate it to court interpreters. Training for court interpreters regarding remote interpreting is being developed in conjunction with the VRI Pilot Project.

Date of Last Update: 2/8/2018

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 47. Courts must ensure that bilingual staff providing information to LEP court users are proficient in the languages in which they communicate. All staff designated as bilingual staff by courts must at a minimum meet standards corresponding to "intermediate mid" as defined under the American Council on the Teaching of Foreign Languages guidelines. (See Appendix F.) The existing Oral Proficiency Exam available through the Judicial Council's Court Language Access Support Program (CLASP) unit may be used by courts to establish foreign-language proficiency of staff. Courts should not rely on self-evaluation by bilingual staff in determining their language proficiency.

Status of Recommendation: Completed

Phase 1

Progress Update: This recommendation does not require further work. Courts should ensure that bilingual staff are proficient in non-English languages and may refer to the Court Interpreters Program webpage for additional information regarding the Oral Proficiency Exam.

Date of Last Update: 10/18/2017

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 48. Beyond the specified minimum, the Judicial Council staff will work with the courts to (a) identify standards of language proficiency for specific points of public contact within the courthouse, and (b) develop and implement an online training for bilingual staff.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee developed a draft points of contact document with recommended levels of proficiency for specific points of public contact within the courthouse. The document was approved by the Task Force at its January 30, 2018, meeting, and is available on the Language Access Toolkit. The NCSC assisted the subcommittee regarding development of curriculum for bilingual staff. Judicial Council staff will work in 2018 on how best to develop this training into an online format and then will disseminate it to bilingual staff.

Date of Last Update: 3/7/2018

Goal 5: Expand High Quality Language Access Through the Recruitment and Training of Language Access Providers

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 49. The Judicial Council staff will work with educational providers, community-based organizations, and interpreter organizations to identify recruitment strategies, including consideration of market conditions, to encourage bilingual individuals to pursue the interpreting profession or employment opportunities in the courts as bilingual staff.

Status of Recommendation: Completed **Phase 2**

Progress Update: The NCSC assisted the Task Force and the Court Interpreters Program regarding development of recruitment strategies, which were shared with the public at the Task Force's March 2017 Community Outreach Meeting. Efforts are underway for the Judicial Council to develop a more robust statewide recruitment initiative. Recruitment of qualified bilingual staff and court interpreters will be an ongoing responsibility for the judicial branch.

Date of Last Update: 10/12/2017

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 50. Judicial officers, including temporary judges, court administrators, and court staff will receive training regarding the judicial branch's language access policies and requirements as delineated in this Language Access Plan, as well as the policies and procedures of their individual courts. Courts should schedule additional training when policies are updated or changed. These trainings should include:

- Optimal methods for managing court proceedings involving interpreters, including an understanding of the mental exertion and concentration required for interpreting, the challenges of interpreter fatigue, the need to control rapid rates of speech and dialogue, and consideration of team interpreting where appropriate;
- The interpreter's ethical duty to clarify issues during interpretation and to report impediments to performance;
- Required procedures for the appointment and use of a provisionally qualified interpreter and for an LEP court user's waiver, if requested, of interpreter services;
- Legal requirements for establishing, on the record, an interpreter's credentials;
- Available technologies and minimum technical and operational standards for providing remote interpreting; and
- Working with LEP court users in a culturally competent manner.

The staff of the Judicial Council will develop curricula for trainings, as well as resource manuals that address all training components, and distribute them to all courts for adaptation to local needs.

Status of Recommendation: Completed

Phase 1

Progress Update: In addition to being accessible on CJER Online, language access educational content for the branch is included in much of the existing education curricula, and judicial and court staff workgroups continue to explore how it can be woven throughout the curricula. Judicial and court staff education in this area is ongoing.

Date of Last Update: 9/26/2016

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 51. Information on local and statewide language access resources, training and educational components identified throughout this plan, glossaries, signage, and other tools for providing language access should be readily available to all court staff through individual courts' intranets.

Status of Recommendation: Partially implemented

Phase 2 and 3

Progress Update: Staff is in the process of implementing a proposal to promote the use of the toolkit and the placement of the link on local court intranet sites. This includes posting the code for link on the Judicial Resources Network and presenting the item to the Language Access Representatives. Promotion work is scheduled to be completed by December 2018.

Date of Last Update: 8/27/2018

Goal 6: Provide Judicial Branch Training on Language Access Policies and Procedures

Language Access Education and Standards Subcommittee

Subcommittee Lead Staff: Mary Ann Koory

Recommendation: 52. Judicial Council staff should develop bench cards that summarize salient language access policies and procedures and available resources to assist bench officers in addressing language issues that arise in the courtroom, including policies related to remote interpreting.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council, at its June 24, 2016 meeting, adopted a Bench Card: Working with Court Interpreters; a Resource Outline for judicial officers; and training curricula outlines for judicial officers and court staff. These documents address LAP Recommendation 52 and are available to judges, subordinate judicial officers and court staff on CJER Online. The Bench Card is also handed out at all of CJER's live statewide judicial education programs. Judicial and court staff education in this area is ongoing.

Date of Last Update: 10/6/2016

Goal 7: Conduct Outreach to Communities Regarding Language Access Services

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 53. Courts should strengthen existing relationships and create new relationships with local community-based organizations, including social services providers, legal services organizations, government agencies, and minority bar associations to gather feedback to improve court services for LEP court users and disseminate court information and education throughout the community.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: The Judicial Council anticipates that it will work with a consultant in FY 2018-19 to develop a public outreach campaign (including strategy, multilingual print materials, signs, and recordings).

Date of Last Update: 2/14/2018

Goal 7: Conduct Outreach to Communities Regarding Language Access Services

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 54. To maximize both access and efficiency, multilingual audio and/or video recordings should be used as part of the outreach efforts by courts to provide important general information and answers to frequently asked questions.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: The Judicial Council anticipates that it will work with a consultant in FY 2018-19 to develop a public outreach campaign (including strategy, multilingual print materials, signs, and recordings).

Date of Last Update: 2/14/2018

Goal 7: Conduct Outreach to Communities Regarding Language Access Services

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 55. Courts should collaborate with local media and leverage the resources of media outlets, including ethnic media that communicate with their consumers in their language, as a means of disseminating information throughout the community about language access services, the court process, and available court resources.

Status of Recommendation: Partially implemented **Phase 3**

Progress Update: The Judicial Council anticipates that it will work with a consultant in FY 2018-19 to develop a public outreach campaign (including strategy, multilingual print materials, signs, and recordings).

Date of Last Update: 2/14/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 56. The judicial branch will advocate for sufficient funding to provide comprehensive language access services. The funding requests should reflect the incremental phasing-in of the Language Access Plan, and should seek to ensure that requests do not jeopardize funding for other court services or operations.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The Task Force developed a language access related BCP for FY 2019-20 and the Judicial Council submitted the BCP to the Department of Finance in September 2018. The subcommittee convened a strategy group to help advance the FY 2019-20 BCP regarding LAP implementation and inform policymakers and stakeholders about its importance. Future BCPs are ongoing.

Date of Last Update: 10/4/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 57. Funding requests for comprehensive language access services should be premised on the best available data that identifies the resources necessary to implement the recommendations of this Language Access Plan. This may include information being gathered in connection with the recent Judicial Council decision to expand the use of Program 45.45 funds for civil cases where parties are indigent; information being gathered for the 2015 Language Need and Interpreter Use Report; and information that can be extrapolated from the Resource Assessment Study (which looks at court staff workload), as well as other court records (e.g., self-help center records regarding LEP court users).

Status of Recommendation: Completed

Phase 1

Progress Update: The subcommittee determined that existing trial court data collection systems can be modified to capture the additional information that is identified in LAP Recommendation 6. The Judicial Council, in collaboration with trial courts, will continue to improve on data collection. Current data, including CIDCS, Phoenix Financial System, the NCSC survey findings, and tracking the TCTF Program 0150037 (former Program 45.45), provide sufficient information to help support funding requests.

Date of Last Update: 10/12/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 58. Judicial Council staff will pursue appropriate funding opportunities from federal, state, or nonprofit entities, such as the National Center for State Courts, which are particularly suitable for one-time projects, for example, translation of documents or production of videos.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The subcommittee convened a strategy group to help advance BCPs and inform policymakers and stakeholders about their importance. Future BCPs are ongoing. As part of the Budget Act of 2016, the Legislature appropriated \$25 million for a competitive grant program known as the Court Innovations Grant Program to be administered by the Judicial Council of California. On March 24, 2017, the Judicial Council awarded 53 grants collectively worth more than \$23 million to 29 courts throughout the State. The grants will be used to promote innovation, modernization, and efficiency in California's courts.

Date of Last Update: 9/19/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 59. Courts should pursue appropriate funding opportunities at the national, state, or local level to support the provision of language access services. Courts should seek, for example, one-time or ongoing grants from public interest foundations, state or local bar associations, and federal, state, or local governments.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The subcommittee convened a strategy group to help advance the FY 2019-20 BCP regarding LAP implementation and inform policymakers and stakeholders about its importance. Previously, the Task Force prepared and distributed guidance to all 58 Language Access Representatives regarding the Court Innovations Grant program.

Date of Last Update: 10/4/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 60. The Judicial Council will create a Language Access Implementation Task Force (name TBD) to develop an implementation plan for presentation to the council. The Implementation Task Force membership should include representatives of the key stakeholders in the provision of language access services in the courts, including, but not limited to, judicial officers, court administrators, court interpreters, legal services providers, and attorneys that commonly work with LEP court users. As part of its charge, the task force will identify the costs associated with implementing the LAP recommendations. The Implementation Task Force will coordinate with related advisory groups and Judicial Council staff on implementation, and will have the flexibility to monitor and adjust implementation plans based on feasibility and available resources.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: LAP Implementation Task Force was formed by the Chief Justice in March 2015. Task Force and court efforts to expand and improve language access for limited English proficient court users are ongoing. The NCSC, in consultation with the subcommittee, developed rough cost estimates regarding implementation of the various recommendations in the LAP, in order to assist with BCP and other funding requests.

Date of Last Update: 9/26/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 61. The Implementation Task Force will establish the necessary systems for monitoring compliance with this Language Access Plan. This will include oversight of the plan's effects on language access statewide and at the individual court level, and assessing the need for ongoing adjustments and improvements to the plan.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Judicial Council has developed a LAP Monitoring Database to provide regular progress reports regarding the implementation status of the LAP recommendations. The progress reports are available on the Task Force's web page (<http://www.courts.ca.gov/LAP.htm>).

Date of Last Update: 6/1/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 62. The Implementation Task Force will develop a single form, available statewide, on which to register a complaint about the provision of, or the failure to provide, language access. This form should be as simple, streamlined, and user-friendly as possible. The form will be available in both hard copy at the courthouse and online, and will be capable of being completed electronically or downloaded for printing and completion in writing. The complaints will also serve as a mechanism to monitor concerns related to language access at the local or statewide level. The form should be used as part of multiple processes identified in the following recommendations of this plan.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: The Task Force developed a packet with a model complaint form and procedures, which is available on the Language Access Toolkit. Individual courts may choose to develop their local complaint form and process based on the materials contained in the model packet. California Rules of Court, Rule 2.851, became effective January 1, 2018. Under the provisions of Rule 2.851, each superior court must establish a language access services complaint form and related procedures to respond to language access services complaints that relate to staff or court interpreters, or to local translations. Courts will have until December 31, 2018, to implement the provisions of the rule. Separately, an online form is available on the Language Access web page for court users who want to submit a complaint regarding the Judicial Council's language access services.

Date of Last Update: 10/4/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 63. Individual courts will develop a process by which LEP court users, their advocates and attorneys, or other interested persons may file a complaint about the court's provision of, or failure to provide, appropriate language access services, including issues related to locally produced translations. Local courts may choose to model their local procedures after those developed as part of the implementation process. Complaints must be filed with the court at issue and reported to the Judicial Council to assist in the ongoing monitoring of the overall implementation and success of the Language Access Plan.

Status of Recommendation: Partially implemented

Phase 1

Progress Update: The Task Force developed a packet with a model complaint form and procedures, which is available on the Language Access Toolkit. The Task Force is partnering with CIAP to sync the model complaint form and complaint rule with CIAP's review of procedures regarding interpreter competency as required by California Rules of Court, Rule 2.891. Following public comment and pending council approval of a new process for court interpreter credential review, CIAP anticipates that the new interpreter review and disciplinary process will become effective January 1, 2019 (TBD).

Date of Last Update: 9/19/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Claudia Ortega

Recommendation: 64. The Judicial Council, together with stakeholders, will develop a process by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed. This process will allow for appropriate remedial action, where required, to ensure certified and registered interpreters meet all qualification standards. Development of the process should include determination of whether California Rule of Court 2.891 (regarding periodic review of court interpreter skills and professional conduct) should be amended, repealed, or remain in place. Once the review process is created, information regarding how it can be initiated must be clearly communicated to court staff, judicial officers, attorneys, and in plain language to court users (e.g., LEP persons and justice partners).

Status of Recommendation: Partially implemented

Phase 2

Progress Update: At the council meeting in either November 2018 or January 2019, CIAP will present draft procedures concerning the review of court interpreters' credential status upon receipt of valid complaints and related rule changes.

Date of Last Update: 10/1/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 65. The translation committee (as described in Recommendation 36), in consultation with the Implementation Task Force, will develop a process to address complaints about the quality of Judicial Council–approved translations, including translation of Judicial Council forms, the California Courts Online Self-Help Center, and other Judicial Council–issued publications and information.

Status of Recommendation: Completed **Phase 3**

Progress Update: An online form is available on the Language Access web page for court users who want to submit a complaint regarding the Judicial Council meetings, forms, or other translations hosted on the California Courts website: www.courts.ca.gov.

Date of Last Update: 9/21/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Translation, Signage and Tools for Courts Subcommittee

Subcommittee Lead Staff: Diana Glick

Recommendation: 66. The Judicial Council should create a statewide repository of language access resources, whether existing or to be developed, that includes translated materials, audiovisual tools, and other materials identified in this plan in order to assist courts in efforts to expand language access.

Status of Recommendation: Completed **Phase 1**

Progress Update: The Task Force is working with the NCSC to build out and maintain the Language Access Toolkit. The subcommittee worked with LAPITF staff to add recently-developed tools, including the Translation Protocol, the Translation Action Plan and the Notice of Available Language Access Services. LAPITF staff also updated the Judicial Resources Network (JRN) language access pages for court staff to make them more responsive to the needs of local courts.

Date of Last Update: 9/19/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 67. The California Courts of Appeal and the Supreme Court of California should discuss and adopt applicable parts of this Language Access Plan with necessary modifications.

Status of Recommendation: Completed **Phase 1**

Progress Update: The subcommittee developed a plan for the adoption and implementation of appropriate LAP recommendations by Courts of Appeal and the Supreme Court, which was presented to the Task Force and approved at its October 17, 2016, meeting. At its May 2017 meeting, the Judicial Council received an informational report on this item with recommendations, including applicable parts of the LAP that should be adopted by the Courts of Appeal and Supreme Court. A supplemental report regarding implementation status will be presented to the council at a future date.

Date of Last Update: 3/7/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 68. To ensure ongoing and effective implementation of the LAP, the Implementation Task Force will evaluate, on an ongoing basis, the need for new statutes or rules or modifications of existing rules and statutes.

Status of Recommendation: Partially implemented **Phase 2 and 3**

Progress Update: The subcommittee is working to identify any additional statutes or rules that may require updating, or any new statutes or rules that may need to be developed.

Date of Last Update: 9/26/2016

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 69. The Judicial Council should establish procedures and guidelines for determining "good cause" to appoint non-credentialed court interpreters in civil matters.

Status of Recommendation: Completed **Phase 1**

Progress Update: In September 2017, the Judicial Council voted to adopt changes to Rule 2.893 and related forms, and it was agreed that no differences will be required in determining "good cause" to appoint non-credentialed court interpreters in juvenile, criminal, or civil matters. The changes will be effective January 1, 2018.

Date of Last Update: 10/13/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 70. The Judicial Council should amend rule of court 2.893 to address the appointment of non-credentialed interpreters in civil proceedings.

Status of Recommendation: Completed **Phase 1**

Progress Update: In September 2017, the Judicial Council voted to adopt changes to Rule 2.893 and related forms. The appointment of non-credentialed interpreters in civil proceedings will use the same process that exists for criminal/juvenile proceedings. The changes will go into effect January 1, 2018.

Date of Last Update: 10/12/2017

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 71. The Judicial Council should sponsor legislation to amend Government Code section 68560.5(a) to include small claims proceedings in the definition of court proceedings for which qualified interpreters must be provided.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: In January 2018, the Judicial Council sponsored legislation on this recommendation which became Senate Bill 1155. Following amendments by the Legislature, the bill was opposed by the council but approved by the Legislature on August 31, 2018, and was signed by the Governor on September 27, 2018. The bill deletes the provision in Gov. Code section 68560.5(a) that excluded small claims proceedings from the definition of a court proceeding for purposes of the requirement to use certified court interpreters, and thereby extends that requirement to small claims proceedings. Except for good cause as provided in Gov. Code section 68561(c), a person who interprets in a small claims proceeding using a language designated by the Judicial Council pursuant to subdivision (a) of Gov. Code section 68562 shall be a certified court interpreter, as defined in Gov. Code Section 68566, for the language used. The new statute is effective January 1, 2019.

Date of Last Update: 9/28/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 72. The Judicial Council should sponsor legislation to amend Code of Civil Procedure section 116.550 dealing with small claims actions to reflect that interpreters in small claims cases should, as with other matters, be certified or registered, or provisionally qualified where a credentialed interpreter is not available.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: In January 2018, the Judicial Council sponsored legislation on this recommendation which became Senate Bill 1155. Following amendments by the Legislature, the bill was opposed by the council but approved by the Legislature on August 31, 2018, and was signed by the Governor on September 27, 2018. Effective January 1, 2019, the bill deletes Code of Civil Procedure section 116.550 in its entirety. The practical effect of deleting section 116.550 accomplishes the intent of Recommendation #72, because the change to Gov. Code section 68560.5(a) described above means that interpreters in small claims cases should, as with other civil matters and absent good cause, be certified or registered, or provisionally qualified where a credentialed interpreter is not available.

Date of Last Update: 9/28/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Anne Marx

Recommendation: 73. The Judicial Council should update the interpreter-related court forms (INT-100-INFO, INT-110, INT-120, and INT-200) as necessary to be consistent with this plan.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The Judicial Council has updated INT-100 and INT-110 (See recommendations 9 and 70). The Court Executives Advisory Committee (CEAC) included review of INT-120 on its 2018 Annual Agenda, but it has not yet commenced work on this project.

Date of Last Update: 10/4/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Budget and LAP Monitoring Subcommittee

Subcommittee Lead Staff: Douglas Denton and Elizabeth Tam

Recommendation: 74. The Implementation Task Force should evaluate existing law, including a study of any negative impacts of the Trial Court Interpreter Employment and Labor Relations Act on the provision of appropriate language access services. The evaluation should include, but not be limited to, whether any modifications should be proposed for existing requirements and limitations on hiring independent contractors beyond a specified number of days.

Status of Recommendation: Partially implemented **Phase 2**

Progress Update: The subcommittee commenced work on this recommendation in 2017, and will continue to do so in 2018.

Date of Last Update: 2/14/2018

Goal 8: Identify Systems, Funding, and Legislation Necessary for Plan Implementation

Court Interpreters Advisory Panel Subcommittee

Subcommittee Lead Staff: Claudia Ortega

Recommendation: 75. The Implementation Task Force will develop a policy addressing an LEP court user’s request of a waiver of the services of an interpreter. The policy will identify standards to ensure that any waiver is knowing, intelligent, and voluntary; is made after the person has consulted with counsel; and is approved by the appropriate judicial officer, exercising his or her discretion. The policy will address any other factors necessary to ensure the waiver is appropriate, including: determining whether an interpreter is necessary to ensure the waiver is made knowingly; ensuring that the waiver is entered on the record, or in writing if there is no official record of the proceedings; and requiring that a party may request at any time, or the court may make on its own motion, an order vacating the waiver and appointing an interpreter for all further proceedings. The policy shall reflect the expectation that waivers will rarely be invoked in light of access to free interpreter services and the Implementation Task Force will track waiver usage to assist in identifying any necessary changes to policy.

Status of Recommendation: Partially implemented **Phase 1**

Progress Update: CIAP included this item as part of its 2018 Annual Agenda, but work has not yet commenced on this recommendation.

Date of Last Update: 9/19/2018

JUDICIAL COUNCIL OF CALIFORNIA

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www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title	Action Requested
Language Access: Language Services in Non-Courtroom Programs and Services	Review and submit comments by February 8, 2019
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rule of Court 1.300, form LA-350	September 1, 2019
<i>Notice of Available Language Assistance—Service Provider</i> , form LA-400 <i>Service Not Available in My Language: Request to Change Court Order</i> , and form LA-450	Contact
<i>Service Not Available in My Language: Order</i>	Diana Glick, 916-643-7012 diana.glick@jud.ca.gov
Proposed by	
Language Access Plan Implementation Task Force	
Hon. Mariano-Florentino Cuéllar, Chair	
Hon. Manuel J. Covarrubias, Vice-chair	

Executive Summary and Origin

The Judicial Council has charged the Language Access Plan Implementation Task Force with overseeing and ensuring implementation of the *Strategic Plan for Language Access in the California Courts* (LAP). The plan provides a comprehensive and systematic approach to expanding language access in the California courts, in fulfillment of the courts' obligations under Title VI of the Civil Rights Act of 1964. The Task Force proposes a new rule of court and three optional forms to satisfy a series of LAP recommendations focusing on the provision of language services outside of the courtroom.

Background

The LAP, which was adopted by the Judicial Council on January 22, 2015, contains 75 recommendations for branch-wide implementation to enhance language access for LEP court users. Four rules specifically address the provision of language assistance in court-ordered services and programs, and the use of technology to achieve language access in activities that occur outside the courtroom:

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. Proposals are circulated for comment purposes only.

- Recommendation No. 10, which calls for the use of qualified court interpreters in all "court-ordered, court operated" programs;
- Recommendation No. 11, which contains a statement indicating that LEP court users should not be required to participate in court-ordered programs and services if those programs are not available in the language of the court user or if language services are not provided to enable access to the program;
- Recommendation No. 30, which calls for the Judicial Council to "consider adopting policies" that will encourage the use of remote technologies to promote the sharing of bilingual human resources among courts to meet the needs of LEP court users in non-courtroom proceedings;¹ and
- Recommendation No. 33, which requires courts to ascertain whether court-appointed professionals can provide "linguistically accessible services" before ordering court users to avail themselves of those programs, services and professionals. This recommendation also calls for courts to enter into contracts with providers who can provide linguistically-accessible services.

Appellate Court Finds Abuse of Discretion in Ordering Parent to Participate in Programs Without Language Access

In 2017, the Second District Court of Appeal reversed a lower court's dispositional order requiring a father who had been denied custody of his children to participate in alcohol treatment and parenting classes that were not available in a language he spoke.

Factual and Procedural Background

Father was a recent immigrant from Myanmar who spoke only Burmese or Karen. In May 2016, the Department of Children and Family Services (DCFS) removed his two children because his alcohol use rendered him unable to properly care for them. Father expressed a desire and willingness to participate in alcohol treatment in order to be reunified with his children. Over the course of several dependency hearings, DCFS reported back to the court that no residential alcohol treatment could be located that would provide language assistance and that Father struggled to comply with alcohol testing because of his communication barrier. At a later hearing, DCFS reported that the agency had been unable to identify any treatment options for Father that were offered in Burmese. At the disposition hearing, DCFS proposed a case plan that recommended a full alcohol treatment program, a 12-step program and a parenting course. In June 2017, full legal and physical custody was granted to the mother, and Father was allowed supervised visitation only. The lower court found that DCFS had made reasonable efforts to reunify Father with his children, but that Father's progress had been "minimal." (*In re J.P.* (2017) 14 Cal. App. 5th 616, 619-623.)

¹ As an initial response to Recommendation No. 30, the Translation, Signage and Tools for Courts Subcommittee developed the report, *Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom*, which provides a survey of current practices in California courts and other courts across the country with respect to the use of technology to maximize existing human resources and enhance language services. This report was approved by the Task Force on January 30, 2018 for posting on the Language Access Toolkit, and is cited in the Advisory Committee comment in the proposed rule of court.

Appellate Court Holding and Decision

The Appellate Court held that "the order that [Father] attend a drug treatment program, a 12-step program, and a parenting program, without any further detail as to how such programs could be attended, given his known language difficulties, constituted an abuse of discretion." (*Id.* at 629-630.) The Court reversed this portion of the dispositional order and remanded the case to the dependency court for reconsideration of its order terminating jurisdiction. (*Id.* at 630-631.)

In addition to finding an abuse of discretion by the dependency court, the decision emphasized the dire consequences of failing to provide language assistance in conjunction with court-ordered services in a dependency case, not only for parents who risk being denied the care, custody and control of their children, but for the children themselves, whose health and safety are at stake:

The remedy is for DCFS and the court to provide language assistance of some sort. Our dependency laws require reasonable reunification services for parents (§ 361.5) but those services are fundamentally for the protection of the children. A dependent child is at risk if a parent with an untreated serious alcohol problem is given custody of, or visitation with, such child, without a program to address the problem. That DCFS could not easily arrange for services in a language a parent could understand is of no consolation to a child who has been abused or neglected." (*Id.* at 626.)

The Proposal

The Task Force proposes the adoption of new rule 1.300 titled, "Access to Programs, Services and Professionals," a new form titled *Notice of Available Language Assistance—Service Provider* (form LA-350), a new form titled *Service Not Available in My Language: Request to Change Court Order* (form LA-400), and a new form titled *Service Not Available in My Language: Order* (form LA-450).

The proposed rule and forms were designed to assist courts with the operational challenges of connecting Limited English Proficient (LEP) litigants with court-ordered programs, services and professionals that offer their services directly in the language spoken by the litigant, or that provide language assistance to facilitate access to their content.

Proposed Rule of Court 1.300

For court-ordered and operated services and programs, the rule requires courts, as soon as feasible, to adopt procedures to enable limited English proficient court litigants to access court-ordered and court-provided services to the same extent as persons who are proficient in English. The rule discourages courts, to the extent feasible, from ordering an LEP litigant to access a private service or program that is not accessible in the litigant's language.

The rule authorizes an LEP litigant who is unable to timely comply with a court order to participate in a private service or program because of a language barrier to use form LA-400, *Service Not Available in My Language: Request to Change Court Order* to notify the court of the

situation. The court may then modify its order or extend the deadline for compliance using form LA-450, *Service Not Available in My Language: Order*.

In addition, the rule would encourage courts to provide information to LEP court litigants about services, programs and professionals that offer language assistance. Courts may require private providers that would like to be included on a list maintained by the court to annually confirm to the court that they provide language services to LEP court litigants, using the proposed form LA-350, *Notice of Available Language Assistance–Service Provider*.

The Task Force recommends placing new rule 1.300 in Title 1, which contains "Rules Applicable to All Courts." This title addresses issues such as court holidays, filing rules, and the format of papers and contains rules for public access to court proceedings and accommodations for disability. The Task Force proposes to add a new chapter, to be titled "Language Access Services." In addition to proposed rule 1.300, this chapter would be an appropriate repository for any future rules of court developed to address general issues related to language access that are applicable to all courts.

Proposed Forms and Form Category for Language Access

The Task Force recommends the development of a new category of forms for Language Access-related resources, to carry the initials, "LA." The Council may consider, in a future rule proposal, the consolidation of Interpreter forms, currently housed in a category that begins with the initials, "INT," into this Language Access forms category. Therefore, the numbers of the three forms brought forward in this proposal are high enough to allow for the transfer of Interpreter forms into this series by simply changing the first three letters of their name.

The proposal includes three optional forms:

- Form LA-350, *Notice of Available Language Assistance–Service Provider*, which courts can use to receive information about providers that are geographically accessible to their court users and offer language assistance in conjunction with services that may be ordered by a court. The form can be filled out electronically, and contains drop-down menus with common options for types of services, languages offered, and format of language assistance. If none of the options is responsive, the electronic form filler can simply type in information corresponding to his or her organization. The form can be filled out and submitted by service providers who wish to receive referrals from the court, and can be consulted by the court when there is a need to connect an LEP court user with a court-ordered service.
- Form LA-400, *Service Not Available in My Language: Request to Change Court Order*, which is intended for use by an LEP litigant who is unable to comply with a court order to participate in a private service or program because of a language barrier. The form is fillable and allows the user to describe the issue with accessing the service and to request that the court either modify its order or extend the deadline for participation.
- Form LA-450, *Service Not Available in My Language: Order* can be used by the court to respond to the *Request to Change Court Order*, and contains fields for the court to enter

an alternative order or extend the deadline for participation in the program or service. The *Order* includes a Certificate of Mailing, which will allow the court to notify the applicant and other interested parties in the case of the modified order or extended deadline.

Alternatives Considered

One alternative is to not develop a rule of court to address this issue; however, it was determined that the courts would benefit from guidance and support with this issue, in part because of the appellate court decision described above (*In re J.P.* (2017) 14 Cal. App. 5th 616.).

Another alternative considered was a rule that would have had a January 1, 2019 implementation date. However, after input from numerous sources, including the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, it was determined that courts would benefit from additional time to ensure the development and implementation of appropriate processes to fully meet the objectives of the rule.

Implementation Requirements, Costs, and Operational Impacts

Implementation may require procedural changes in those courts that regularly order LEP parties to participate in programs or obtain services. The provision of language services should be accounted for in any new memoranda of understanding between the court and agencies or service providers and added to existing memoranda on the regular cycle of renewal of these documents. If a court chooses to compile information about language assistance available in conjunction with court-ordered services, it could develop a process for distribution, receipt and processing of the *Notice of Available Language Assistance–Service Provider* (LA-350). If the court opts to manage the distribution and receipt of this form on paper, there will be photocopying costs and paper storage considerations. If the process is managed electronically, documents can be distributed, received and stored using existing server capacity.

Request for Specific Comments

In addition to comments on the proposal as a whole, the Task Force is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Will the proposed forms assist the courts in providing language assistance with non-courtroom services and programs?

The Task Force also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 1.300 at pages 7-10
2. Form LA-350, *Notice of Available Language Assistance–Service Provider*, at p. 11
3. Form LA-400, *Service Not Available in My Language: Application and Order*, at p. 12
4. Form LA-450, *Service Not Available in My Language: Order*, at p. 13
5. *Technological Options for Providing and Sharing Court Language Access Services Outside the Courtroom*, available here: <http://www.courts.ca.gov/documents/lap-toolkit-technological-options-outside-the-courtroom.pdf>
6. The *Strategic Plan for Language Access in the California Courts* can be found here: <http://www.courts.ca.gov/languageaccess.htm>

Rule 1.300 of the California Rules of Court would be enacted, effective September 1, 2019, to read:

1 **Title 1. Rules Applicable to All Courts**

2
3 **Chapter 8. Language Access Services**

4
5
6 **Rule 1.300. Access to Programs, Services, and Professionals**

7
8 **(a) Definitions**

9
10 As used in this chapter, unless the context or subject matter otherwise requires, the
11 following definitions apply:

- 12
13 (1) “Court-provided programs, services, and professionals” are services offered
14 and provided by court employees or by a contractor or vendor under
15 agreement with the court.
16 (2) “Court litigant” is a person who is a party in a court case or other legal
17 proceeding.
18 (3) “Language services” are services designed to provide access to the legal
19 system to limited English proficient court litigants and may include in-person
20 interpreters, telephonic interpreter services, video remote interpreting
21 services, and those provided by assigned bilingual employees and bilingual
22 volunteers.
23 (4) “Limited English proficient” describes a person who speaks English “less
24 than very well” and who, as a result, cannot understand or participate in a
25 court proceeding.
26 (5) “Private programs, services, and professionals” are services provided by
27 outside agencies, persons, and organizations, which court litigants may be
28 required to access by court order.

29
30 **(b) Provision of language services in court-ordered and court-provided**
31 **programs, services and professionals.**

32
33 As soon as feasible, each court must adopt procedures to enable limited English
34 proficient court litigants to access court-ordered and court-provided programs,
35 services, and professionals to the same extent as persons who are proficient in
36 English.

37
38 **(c) Provision of language services in private programs and services, and by**
39 **private professionals**

40
41 To the extent feasible, a court should avoid ordering a limited English proficient
42 court litigant to a private program, service, or professional that is not language
43 accessible.

1 **(d) Delay in access to services.**
2

3 If a limited English proficient court litigant is unable to access a private program,
4 service, or professional within the time period ordered by the court due to
5 limitations in language service availability, the court litigant may submit a
6 statement to the court indicating the reason for the delay and the court may, for
7 good cause, enter an alternative order or extend the time for completion. Court
8 litigants may use the form *Service Not Available in My Language: Request to*
9 *Change Court Order* (form LA-400) for this purpose. The court may respond to
10 the request using the form *Service Not Available in My Language: Order* (form
11 LA-450).

12
13 **(e) Use of technology**
14

15 Courts should seek out opportunities to collaborate with each other and with
16 community partners in the provision of language services and should employ
17 technology to promote the sharing of bilingual staff and certified and registered
18 court interpreters among courts, as appropriate.

19
20 **Advisory Committee Comment**
21

22 **Subdivision (b).** The goal of this rule is to connect limited English proficient court
23 litigants ordered by courts to access programs or professionals with services in the
24 languages spoken by the litigants. Recognizing that not all program providers will be
25 willing or able to meet the language needs, the rule is intended to help courts become
26 aware of those language services available in the community so that limited English
27 proficient court litigants are not placed in a position where they are unable to comply
28 with court orders because the required services are not available in a language they
29 understand.

30
31 To facilitate equal access to justice, when courts order limited English proficient litigants
32 to access court-provided programs, services, and professionals, to the greatest extent
33 possible, courts should ensure that the services are language accessible.
34

35 To the extent feasible and as permitted by law, any memorandum of understanding or
36 other written agreement for agency-referred programs, services, and professionals that
37 courts enter into or amend after the implementation date of this rule should include the
38 goal of providing language services in the languages spoken by limited English proficient
39 court users, and of notifying the court in the event that the language needs of a limited
40 English proficient court litigant referred to the program, service, or professional cannot
41 be accommodated.
42
43

1 **Subdivision (c).** Courts are encouraged to offer neutral, non-endorsing information about
2 private programs, services, and professionals that provide multilingual services or
3 language assistance to enable limited English proficient court litigants to access their
4 programs. Private programs, services, and professionals that would like to be included on
5 a court’s informational list may confirm in writing to the court annually that they offer
6 language services, indicating the languages covered by the program, service, or
7 professional. Courts may require providers to use the form *Notice of Available Language*
8 *Assistance-Service Provider* (form LA-350) for this purpose.

9
10 **Subdivision (d).** When a defendant is required to participate in a batterer intervention
11 program pursuant to section 1203.097 of the California Penal Code, the court may order
12 “another appropriate counseling program” if a batterer’s program is unavailable in the
13 language spoken by the court litigant. In addition, a judge may, for good cause, excuse
14 the requirement to complete the 52-week program within 18 months. The application of a
15 similar standard to all orders to participate in non-courtroom services, whereby the
16 unavailability of language assistance would constitute good cause to make an alternative
17 order or to excuse delay in completion, would provide the court with flexibility to address
18 situations in which a program or service is unavailable in the language spoken by a
19 limited-English-proficient court user.

20
21 Two optional forms, *Service Not Available in My Language: Request to Change Court*
22 *Order* (form LA-400) and *Service Not Available in My Language: Order* (form LA-450),
23 were developed to facilitate communication between the court and a limited English
24 proficient court litigant who is unable to comply with a court order because of a lack of
25 language assistance.

26
27 The *Request* form allows the court litigant to notify the court of the unavailability of
28 language assistance in a court-ordered program, and to request a modified order or an
29 extension of the time for completion of the program. The *Order* form allows the court to
30 issue a modified order or to extend the time for completion of a court-ordered program or
31 service. A request may be denied if the court receives information that a program is
32 available in the language of the court litigant, or that language assistance is available to
33 help the court litigant access the program, and that the program or service may be
34 accessed within the time mandated by the court for completion. If a request is denied on
35 this basis, the court should provide contact information that will allow the court litigant to
36 access the program. In addition, a request may be denied if the court finds there is good
37 cause to believe that the request was brought for an improper purpose or that the court
38 litigant knowingly provided false information in the *Request*.

39
40 **Subdivision (e).** It is the policy of the California courts to encourage the efficient and
41 effective use of human and technological resources in the provision of language services
42 while ensuring meaningful access for limited English proficient court users. For non-
43 courtroom interpretation events, courts may consult the report, *Technological Options for*

- 1 *Providing and Sharing Court Language Access Services Outside the Courtroom, for*
- 2 *opportunities to collaborate with other courts and service providers to enhance language*
- 3 *access for LEP court users.*

DRAFT

Clerk stamps date here when form is received.

**DRAFT
Not Approved by
the Judicial Council**

Use this form to:

- Tell the court that you are a **service provider**, program, or professional that offers **language assistance** with services that may be ordered by a court; and
- Provide information about the **services you provide, the languages and types of language assistance available, and your service area.**

1 This form should be filed with the court by January 31 of each year to indicate services that will be provided during the calendar year.

The information in this form describes services available during calendar year: _____

2 Name of service provider:

Address:

Telephone: Web address:

Contact name: E-mail:


3 Information about the services provided (*if you provide a service, language, or type of language assistance that does not appear in the drop-down box, or you provide more than one of the selections, please type in your answer*):

Service	Languages Available	Type of Language Assistance	Service Area (county or region)
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other services or assistance provided:

Date: _____

Type or print name

 _____
Signature

Clerk stamps date here when form is received.

DRAFT
Not Approved by the Judicial Council

IF
The Court has ordered you to participate in a program or service,
AND
the program or service is not available in a language you speak and language assistance is not available or is delayed,

Use this form to explain your language need to the court and request a different order.

Fill in court name and address:

Superior Court of California, County of

Case Number:

1 Your Full Name:

Address:

Telephone: E-mail:

Language or languages you speak:

2 Program or service ordered:

Date of the order:

Date the court ordered you to complete participation in the program or service:

(Optional) Describe your efforts to participate in the program or service:

[Large empty box for describing efforts]

3 Select one of the following options:

- I ask the court to modify the order because the program or service ordered is not available in a language I speak and no language assistance has been offered or provided to help me access the program or service.
I ask the court to extend the deadline for participation in the program or service ordered by the court, because there is a delay in providing language assistance.

Date when language assistance will be available (if you know):

Date:

Type or print name

Signature

Clerk stamps date here when form is received.

DRAFT
Not Approved by the Judicial Council

1 The court received a request to change an order from:

Full Name: []
Address: []
Telephone: [] E-mail: []

Fill in court name and address:

Superior Court of California, County of []

Case Number: []

2 The court:

[] Makes the following alternative order, which replaces the order described in the request:

[]

[] Orders the required completion date of the program or service described in the request extended to: []

[] Makes the following additional order or orders: []

[] Denies the request because:

[] The service is available in the language spoken by the litigant and may be accessed by the required completion date.

The service may be accessed by contacting: []

[] Language assistance for this service is available and may be accessed by the required completion date.

Language assistance may be accessed by contacting: []

[] Other good cause (specify): []

Date:

JUDGE OF THE SUPERIOR COURT

CLERK'S CERTIFICATE OF MAILING

1. I am not a party to this action.
2. I caused the Request and Order to be served by enclosing a copy in an envelope addressed as shown below and caused the envelope to be deposited with the United States Postal Service with first-class postage fully prepaid

on (date): [] at (city): [], California

3. I certify that the foregoing is true and correct.

Date: [] Clerk, by [], Deputy

APPLICANT (name and address):

[]

AGENCY, if applicable (name and address):

[]

OPPOSING PARTY (name and address):

[]